

**MINUTES OF THE
EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS MEETING
MONDAY, FEBRUARY 12, 2018 AT 7:00 PM
(Approved 03/12/18)**

The Board of Supervisors held its regular monthly meeting on Monday, February 12, 2018. Present for the meeting were supervisors W. Atlee Rinehart, Anthony Duffy, Ray Kolb, Michael Albert Moyer, and Karen Nocella. Also present at the meeting were Bernard A. Rodgers, Township Manager, Mark A. Hosterman, Township Solicitor and Brady Flaharty, Township Engineer.

The Board of Supervisors Chairman, W. Atlee Rinehart, called the meeting to order at 7:11 p.m. and the pledge of allegiance was recited. Mr. Rinehart asked the Township Solicitor, Mark Hosterman to report on the Executive Session. Mr. Hosterman reported the Board of Supervisors met in Executive Session at 6:00 p.m. to discuss the following: A potential acquisition of real estate, status of the collective bargaining agreement with the Police Department, and a personnel matter.

Chairman Rinehart administered the Oath of Office to newly hired Police Officer, Braden M. Walsh.

Public Hearings.

Chairman Rinehart turned the meeting over to Solicitor Hosterman for the Public Hearing on two proposed ordinances.

Mr. Hosterman opened the public hearing at 7:15 p.m. with a brief overview of Ordinance No. 221, "Warrantless Arrests Ordinance." He explained the proposed Ordinance would repeal Chapter 1 (Administration and Government), Part 10 (Police), Section 1-1001 (Warrantless Arrest Guidelines) in its entirety in order to relocate the section to Chapter 6 (Conduct); and amend Chapter 6 (Conduct) to add a new Part 4 entitled "Warrantless Arrests" for the purpose of permitting warrantless arrests in accordance with state law and establishing warrantless arrest guidelines; Part 4. would contain the following sections: Arrest Without Warrant; and Warrantless Arrest Guidelines. Mr. Hosterman noted the ordinance has been reviewed by Chief Mossman and duly advertised.

There were no public comments generated and Solicitor Hosterman ended the Public Hearing at 7:17 p.m. Mr. Rinehart called for a vote on the adoption of Ordinance No. 221, Warrantless Arrest Ordinance. Anthony Duffy made a motion to adopt Ordinance No. 221. The motion was seconded by Ray Kolb. Mr. Rinehart called for the vote and the motion carried 5-0-0.

Solicitor Hosterman opened the second Public Hearing at 7:18 p.m. with a brief explanation of Ordinance No. 223 "Amendment To Parks, Recreation And Conservation Committee Ordinance." Mr. Hosterman stated this Ordinance would amend the Code of Ordinances of East Coventry Township, Chapter 1 (Administration and Government), Part 11 (Parks, Recreation and Conservation Committee), Section 1103 (Membership; Compensation; Vacancies) in order to change the number of committee members eligible to vote from five (5) members to seven (7) members.

There were no public comments generated and Mr. Hosterman ended the Public Hearing at 7:18 p.m. Chairman Rinehart called for a vote on the adoption of Ordinance No. 223, Amendment to Parks, Recreation and Conservation Committee Ordinance. Ray Kolb made a motion to adopt Ordinance No. 223, the motion was seconded by Karen Nocella. Mr. Rinehart called for the vote and the motion carried 5-0-0.

1. Ordinance No. 222 – Soliciting and Peddling.

Chairman Rinehart again yielded the floor to Solicitor Hosterman who offered a brief explanation of Ordinance No. 222, "Soliciting and Peddling Ordinance" which is under consideration for advertisement. Mr. Hosterman stated the ordinance would amend the Codified Ordinances of East Coventry Township,

deleting part 1 (License And Regulation For Soliciting Or Peddling) in its entirety and replacing it with a new Part 1 titled "Regulation Of Transient Retail Business Activity" which would contain the following sections: Definitions; Permit Required; Application For Permit; Permit Fees; Term Of Permit; Renewals; Display Of Permit; Suspension Or Revocation Of Permit; Time For Granting Or Denying Permit; Rules Of Conduct; Permit Exemptions; Registration Required; Entering Upon Posted Property Prohibited; And Violations And Penalties.

He stated the ordinance would regulate all transient solicitation and peddling activities such as seasonal fireworks sales and Mother's Day flower sales. He noted there are permit exemptions for non-profit and agricultural vendors and for special event vendors at sanctioned Township events. The ordinance also regulates distribution of materials, sign placement and rules of conduct.

Mr. Rinehart questioned if, under the proposed Rules of Conduct, an ice cream truck vendor such as Mr. Softee would be in violation of the calling out rule. Mr. Hosterman stated they would be and he suggested adding text that a vendor would have to be in compliance with the Township's noise ordinance.

There were no other questions or comments generated and Chairman Rinehart called for a vote. Michael Moyer made a motion to authorize the advertisement of Ordinance No. 222, Soliciting and Peddling Ordinance with the addition of text requiring a vendor to be in compliance with the Township's noise ordinance. The motion was seconded by Ray Kolb. Mr. Rinehart called for the vote and the motion carried 5-0-0.

2. Minutes.

Chairman Rinehart called for a vote to approve the minutes of the January 8, 2018 meeting. Ray Kolb made a motion to approve the minutes of the January 8, 2018 as written and the motion was seconded by Karen Nocella. Mr. Rinehart called for the vote and the motion carried 5-0-0.

3. Public Comment.

Chairman Rinehart opened the floor to public comment. Mr. Nick Watson, 220 Ellis Woods Road, asked when and if something will be done about the speeders on Ellis Woods Road. He stated the speeding is an all-day and everyday occurrence. He also mentioned cars do not fully stop at the Ellis Woods and East Cedarville Rd. intersection. Mr. Watson said he very rarely sees police officers on patrol.

Chief Mossman assured him that officers travel the roadway frequently. He explained the officers are not always able to sit and watch for speeders because at times there is one officer on duty that must patrol the entire Township. Chief Mossman said the Police Department could put a speed timing device on the roadway that would give them an idea of the number of offenders, the time of day offenses occur, and the speed limit overages.

Mr. Rinehart noted the Police Department's monthly report shows over 4,000 miles were logged on patrol this past month.

Bob Bauers, 169 Sawmill Road, thanked Mr. Rinehart for cutting Mr. Softee "some slack." He asked if the Board was able to identify the property discussed in executive session and if the new peddling ordinance is written in response to complaints about solicitation in the Township. Mark Hosterman, Township Solicitor, replied the new ordinance was written to further regulate transient peddlers such as seasonal fireworks tents or Mother's Day flower sales. The previous version of the ordinance did not touch much upon these types of sales. He stated he was unable to identify the property under consideration at this time.

Mrs. Gail Brown, 500 Sanatoga Road, Chairwoman of the East Coventry Township Historical Commission conveyed a message she received from an out of state caller who phoned the Township office to inquire about the Fricks Locks Village Tours. She stated the caller was very complimentary on his customer service experience and she thanked administrative staff member, Mary Goheen, for her response to his inquiries.

Liz Willow, 680 Ellis Woods Road, reported the USDA has allocated additional funds to fight the spread Spotted Lanternfly. She said she is continuing to flag the ailanthus trees on township property for removal. She noted they can be used for firewood. Mr. Rinehart asked if the transport of firewood is impacted. She responded firewood moved out of quarantined areas should be inspected.

Karen Nocella announced that the next Northern Federation meeting will feature a special guest speaker, Jay Erb, from Warwick Township Parks, who will talk on the Spotted Lanternfly. She invited all to attend the meeting to be held on Tuesday, March 13th at 7:00 p.m. at Welkinweir. She also asked that a meeting notice be posted on the Township website.

John Jenkins of Spiece Road introduced himself as a Chester County printer and asked if future Township newsletters could be produced and mailed out of Chester County. Township Manager, Bernard Rodgers asked Mr. Jenkins to forward him his contact information.

Roger Kolb of Ebelhare Road, Deputy Chief of Ridge Fire Company, commended the Police Department for the job they are doing. He noted that no matter what you do with four way stops, people will still go through them; he noted the accidents they respond to are usually due to driver actions – people do not slow up. Mr. Watson responded the Township needs to slow motorists down.

Mr. Kolb replied the officers are doing the best they can; he noted the population has increased over the past twenty years and officers cannot monitor every stop sign in town. He said it is unfortunate but you cannot completely stop speeding. Mr. Watson reiterated he felt it is the Police Force's responsibility to stop speeders and he also asked if the Township could post monthly crime statistics. Missy King suggested posting the monthly police report on the website.

There were no more public comments to come before the Board. Mr. Rinehart asked Township Manager, Bernard Rodgers, for his reports.

4. Reports.

➞ Consideration of the Township Manager Report.

- **Mr. Rodgers asked the Board to consider approval of Proposal 18-7569, Phase I Environmental Assessment at Fricks Locks Village, submitted by Boucher & James, Inc. Consulting Engineers.** He offered a brief background on the project and noted the property is being donated by Exelon to the Township. As part of the Township's due diligence and to satisfy title company requirements, Mr. Rodgers recommended accepting the Boucher proposal.

Chairman Rinehart called for a motion. Ray Kolb made a motion to approve Proposal 18-7569, Phase I Environmental Assessment at Fricks Locks Village as submitted by Boucher & James, Inc. The motion was seconded by Karen Nocella. Mr. Rinehart called for the vote and the motion carried 5-0-0.

- **Consideration of approval of two (2) Conservation Easement Preparation and Processing Agreements by French and Pickering Creeks Conservation Trust for the Hewitt property at 468 Ridge Road and the Harvey property on Fulmer Road.**

Mr. Rodgers introduced Ms. Pam Brown of French and Pickering Creeks Conservation Trust. Ms. Brown stated the proposals before them tonight are for consideration to manage the easement process.

Mr. Rinehart asked about the costs for each project. Ms. Brown stated costs should not exceed \$7,500 and noted the cost may vary due to grant funds applied for. Ray Kolb asked if she has spoken with the Hewitts regarding a land sale adjacent to the Fire Company. He informed her the

Fire Company would like to purchase a portion of the property prior to it being put into an agricultural easement and has been in negotiation with the Hewitts. Ms. Brown stated she would speak with the Hewitts. Missy King, 10 Eleanor Drive, asked if the assessment value is changed. Ms. Brown stated there is no change.

Mr. Rodgers asked Ms. Brown to clarify the payment process. She explained the Township generally pays for appraisals and title and transaction costs from the \$5,000 initial payment. Appraisal costs are calculated separately and typically run around \$2,500. The Township may choose their own appraiser. Once the appraisal is obtained, the trust will look for matching funds through grants. Title insurance and closing costs are covered by the Township and do need to be taken into consideration.

Chairman Rinehart called for a motion on the two proposals. Karen Nocella made a motion to accept the Conservation Easement Preparation and Processing project proposal for the Hewitt property as submitted by French and Pickering Creeks Conservation Trust, Inc. The motion was seconded by Michael Moyer. Mr. Rinehart called for the vote and the motion carried 5-0-0.

Karen Nocella made a motion to accept the Conservation Easement Preparation and Processing project proposal for the Hewitt property as submitted by French and Pickering Creeks Conservation Trust, Inc. Ray Kolb seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

- **Consideration of approval of Indemnification Agreements between the Township and CellCo Partnership dba Verizon Wireless and Global Signal Acquisitions, II for the cell tower site at 480 Ridge Road.** Mr. Rodgers stated the Township has received the Indemnification Agreements between the Township and the company wanting to install Verizon components to the existing tower at 480 Ridge Road. The Township Solicitor noted the agreement is a new requirement under the wireless agreement ordinance recently passed by the Township.

Chairman Rinehart called for a motion and Michael Moyer made a motion to authorize execution of the Indemnification Agreement between CellCo Partnership dba as Verizon Wireless and East Coventry Township. Karen Nocella seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

- **Consideration of approval of new/revised Police Policies.**

Mr. Rodgers stated the proposed and new policies have been reviewed and recommended by the Police Chief and Township's insurance carrier. The new and existing policies affected are as follows: Update to Abandoned Vehicles policy; new Active Shooter policy; update to Automated External Defibrillator; new Physical Arrest Procedures; update to Barricaded Person/Hostage Situations; new Bias-Based Policing policy; new Chain of Command policy; update to Code of Ethics policy; update to Complaints Against Police; update to Controlled Substance Investigations; update to Criminal History Record Information; new Leaves policy; new Orders and Directives policy; update to Uniforms and Equipment policy; and update to Weapons and Ammunition.

Chairman Rinehart called for a vote and Michael Moyer made a motion to approve the new and revised Police Policies and Procedures as presented. Mr. Rinehart seconded the motion and called for the vote. The motion carried 5-0-0.

- **Consideration of approval of 2018 Road Projects submitted by Public Works Director.**

Ray Kolb, Public Works Director relayed the road projects proposed for 2018 as follows:

- Saylor's Mill Road (between Ebelhare Rd. and Bethel Church Rd.) – Scratch coat and 2 coats of oil/chip
- Baptist Church Road (between Old Schuylkill Rd. and Creamery Rd.) – Scratch coat and 2 coats of oil/chip

- Porter's Mill Road (between Ebelhare Rd. and Ridge Rd.) East Vincent will pay half -- 2 coats of oil/chip

He provided a brief explanation on scratch coat and oil and chip as per Chairman Rinehart's request. Mr. Rinehart called for a motion. Anthony Duffy made a motion to approve the proposed 2018 road projects as presented and Mr. Rinehart seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

- **Consideration of approval of Eagle Scout project proposal.**

Mr. Rodgers stated he has received an email inquiry from Eric Hughes and will provide further details on his project proposal in the near future.

- Mr. Rodgers reported that, as previously discussed, the cost to replace the Zeiber Road bridge was estimated to be one million dollars; whereas rehabilitation cost estimates came in at approximately \$250,000.00. He asked the board to consider approval of the \$79,000.00 proposal from McMahon Associates, Inc. which would cover engineering and design of the rehabilitation project, this amount is in addition to the \$250,000.00 previously set aside for rehabilitation.

Chairman Rinehart called for a motion. Ray Kolb made a motion to approve the proposal submitted by McMahon Associates, Inc. for the engineering and design of the Zeiber Road bridge rehabilitation project. Mr. Rinehart seconded the motion and called for the vote. The motion carried 4-0-1, with Karen Nocella dissenting.

- Mr. Rodgers reported Chief Mossman has requested to attend the annual National FBI training conference this summer in Quebec. He asked the Board to consider approval of the request and related costs of approximately \$1,100.00. Mr. Rinehart called for a motion. Mr. Duffy made a motion to approve the Chief's attendance at the annual conference and Michael Moyer seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

➤ **Consideration of Township Engineer's Report.**

- Brady Flaharty, Township Engineer, asked for the Board's approval of the proposed date of the annual Earth Day Cleanup event sponsored by ARRO. He said the event is proposed for Saturday, April 21st at 10 a.m. and a rain makeup date proposed for Saturday, April 28th. He stated the cleanup is slated for Pigeon Creek to the Schuylkill River and, if time allows, Towpath Park. Brady reported a Girl Scout troop has committed to volunteer. Mr. Rinehart asked if liability insurance authorization is needed. Mr. Rodgers stated that would not be necessary. Mr. Rinehart made a motion to approve the dates as proposed and the motion was seconded by Michael Moyer. Mr. Rinehart called for the vote and the motion carried 5-0-0.

➤ **Consideration of approval of reports from various departments and committees.**

- Ms. Nocella reminded all in attendance of the upcoming Rock the Wall Walk/Run event on March 24th. Chairman Rinehart called for a vote to approve reports from various department and committees. Ray Kolb made a motion to approve the reports as presented and the motion was seconded by Anthony Duffy. Mr. Rinehart called for the vote and the motion carried 5-0-0.

5. Subdivisions and Land Development.

Chairman Rinehart noted there were no submittals to come before the Board.

6. Zoning Hearing Board Applications.

Chairman Rinehart noted there were no applications to come before the Board.

7. Other Business.

Sally Kolb of 231 Baptist Church Road asked what the timeline is on the cell tower behind the church. Brady Flaharty responded the Township is awaiting resubmittal of plans; an incomplete submittal was declined in November.

8. Exonerations. Chairman Rinehart noted there were no exonerations to be come before the Board.

9. Payment of Bills.

Chairman Rinehart called for a vote. Anthony Duffy made a motion to approve payment of the bills. Karen Nocella seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

10. Information Items and Additional Items to be Brought Before the Board.

Ray Kolb made a motion to put the 2012 Dodge Charger police vehicle out to bid. Michael Moyer seconded the motion. Mr. Rinehart called for the vote and the motion carried 5-0-0.

Mr. Duffy reported so far this year there have been 18 school shootings nationwide. As a result, he and Michael Moyer met with Kevin Smith, head of security at Owen J. Roberts School District, to discuss security at area schools. They were informed there are two armed police officers on duty at all times and the district has implemented a new alert system. Also, Mr. Smith gave kudos to the East Coventry Township Police Department and their strong partnership. Mr. Moyer reported he was impressed with the camera security system and the fact there is an actual three-man police force within the Owen J. Roberts School District. He also noted the district police force works closely with teachers and counselors to identify and/or monitor issues of concern.

Ann Sage, Harvey Road, remarked she feels very safe here in East Coventry Township and thanked Chief Mossman for the Police Department's service.

Missy King, Tax Collector, reported tax bills will be mailed out this week.

Mr. Watson of Ellis Woods Rd. reported water runs continually across the roadway from 213 and 279 Ellis Woods Road. Mr. Kolb stated they were aware of the issue and apply additional salt applications in that area. Mr. Flaharty stated the stormwater management permit at 213 Ellis Woods Road is still open.

Adjournment.

There was no further business to be brought before the Board and Chairman Rinehart made a motion to adjourn. The motion was seconded by Anthony Duffy. Mr. Rinehart called for the vote and the motion carried 5-0-0. The meeting adjourned 8:28 p.m.

Respectfully Submitted,


Bernard A. Rodgers
Secretary